

**PSJ4 SOL Opp Exh 25**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

Case No. 17-OP-45004 (N.D. Ohio)

THE COUNTY OF CUYAHOGA, OHIO, and  
STATE OF OHIO EX REL., PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY,

Plaintiffs,

vs.

PURDUE PHARMA L.P., PURDUE  
PHARMA INC., THE PURDUE FREDERICK  
COMPANY, INC., ENDO HEALTH  
SOLUTIONS INC., ENDO  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., NORAMCO,  
INC., ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., JOHNSON &  
JOHNSON, TEVA PHARMACEUTICAL  
INDUSTRIES LTD., TEVA  
PHARMACEUTICALS USA, INC.,  
CEPHALON, INC., ALLERGAN PLC f/k/a  
ACTAVIS PLC, ALLERGAN FINANCE LLC,  
f/k/a ACTAVIS, INC., f/k/a WATSON  
PHARMACEUTICALS, INC., WATSON  
LABORATORIES, INC., ACTAVIS LLC,  
ACTAVIS PHARMA, INC. f/k/a WATSON  
PHARMA, INC., INSYS THERAPEUTICS,  
INC., MALLINCKRODT PLC,  
MALLINCKRODT LLC, CARDINAL  
HEALTH, INC., McKESSON

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**PLAINTIFFS THE COUNTY OF  
CUYAHOGA, OHIO AND THE STATE  
OF OHIO *EX REL.* PROSECUTING  
ATTORNEY OF CUYAHOGA  
COUNTY, MICHAEL C. O'MALLEY'S  
FIRST AMENDED RESPONSES AND  
OBJECTIONS TO DISTRIBUTOR  
DEFENDANTS' FIRST SET OF  
INTERROGATORIES**

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CORPORATION, AMERISOURCEBERGEN  
CORPORATION, HEALTH MART  
SYSTEMS, INC., H. D. SMITH, LLC d/b/a  
HD SMITH, f/k/a H.D. SMITH  
WHOLESALE DRUG CO., H. D. SMITH  
HOLDINGS, LLC, H. D. SMITH HOLDING  
COMPANY, CVS HEALTH  
CORPORATION, WALGREENS BOOTS  
ALLIANCE, INC. a/k/a WALGREEN CO.,  
and WAL-MART INC. f/k/a WAL-MART  
STORES, INC.,

Defendants.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), The County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley, ("Plaintiff") hereby responds to Distributor Defendants'<sup>1</sup> First Set of Interrogatories (the "Interrogatories" and, each individually, a "Interrogatory"), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seek information that is not relevant to any party's claim or defense, or seeks to impose obligations or require actions beyond those required by the Rules of Civil Procedure, the

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<sup>1</sup> The Distributor Defendants are Amerisource Drug Corporation, Cardinal Health, and McKesson Corporation (collectively, "Distributors").

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ESI Protocol entered in this matter or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute or regulation, without the entry of an appropriate Protective Order. Further, Plaintiff's responses to the Interrogatories are not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency or relevance of the information identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement contained provided herein. All such objections and the grounds therefore are hereby reserved.

4. No admission of any nature whatsoever is to be implied or inferred in these responses. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Request to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatories to the extent they purport to require Plaintiff to provide information that is in the public domain or otherwise available to Distributors as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

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8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its objections and without waiver of any objection.

12. Any response stating that Plaintiff will provide information shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

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16. Plaintiff intends to complete its responses by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatory. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

**NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this Action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently produces information that is or could be the subject of the objections stated herein, such information is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information produced or withheld.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.

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**SPECIFIC RESPONSES AND OBJECTIONS**

**Interrogatory No. 1:**

State the years during which you claim each Distributor Defendant engaged in conduct for which You seek damages.

**Response to Interrogatory No. 1:**

Plaintiff objects that this Interrogatory contains a reference to an ambiguous phrase, “conduct.” Subject to and without waiving all objections, Plaintiff incorporates the allegations in its second amended complaint. In addition, Plaintiff’s investigation of its damages caused by the Defendants is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure. Subject to and without waiving any objections, Plaintiff responds that every year a given Distributor Defendant distributed opioids is relevant.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 2:**

Identify each pharmacy within Your geographical boundaries that placed Suspicious Orders for Prescription Opioids for each year of the Timeframe.

**Response to Interrogatory No. 2:**

Plaintiff objects that this Interrogatory is vague as to “Suspicious Orders.” Plaintiff further objects to this request in that it calls for information in the Distributors’ possession or control, or just as available to Distributors from its own business dealings or third-party sources as may be available to Plaintiff, and thus places an undue burden on Plaintiff to gather.

Subject to and without waiving all objections, Plaintiff responds as follows:

As outlined in the Second Amended Complaint, a “suspicious order” is defined by federal law as orders of an unusual size, orders deviating substantially from a normal pattern and orders of unusual frequency. Plaintiff recently received the ARCOS data from the Department of Justice, to which the

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Distributor Defendants objected, which reveals the orders placed by pharmacies with the Distributor Defendants dating back to 2006. Hence, once Plaintiff's analysis of the ARCOS data is complete, this response will be limited to this timeframe until Plaintiff is able to conduct discovery. Moreover, the Distributor Defendants owe a duty under federal law to report suspicious orders to the DEA. So far, the Distributor Defendants have refused to disclose this information.

Finally, Plaintiff is aware each Distributor Defendant uses its own set of metrics to define a suspicious order. These metrics have been requested in discovery. As soon as practicable, Plaintiff intends to define a suspicious order using the Distributor Defendants' own metrics as well as national, regional and local metrics from the data available.

As Plaintiff continues its investigation and analyzes the ARCOS data, this response will be supplemented as appropriate, and may include expert opinions in accordance with CMO No. 1 and the Federal Rules of Civil Procedure.

Further, Plaintiff identifies the highest dispensing opioid pharmacies in Cuyahoga County, which include but are not limited to:

Pharmacy	Pharmacy Address	City
Ohio CVS Stores, L.L.C.	2007 Brookpark Road	Cleveland
Rite Aid Of Ohio, Inc.	3402 Clark Avenue	Cleveland
Walgreen Co.	5400 Pearl Road	Parma
Walgreen Co.	16803 Lorain Ave	Cleveland
Walgreen Co.	3415 Clark Avenue	Cleveland
Walgreen Co.	11701 Detroit Ave	Lakewood
Ohio CVS Stores, L.L.C.	11223 Granger Rd.	Garfield
Ohio CVS Stores, L.L.C.	212 West Bagley Road	Berea



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<b>Pharmacy</b>	<b>Pharmacy Address</b>	<b>City</b>
Walgreen Co.	4265 State Rd.	Cleveland
Walgreen Co.	22401 Lake Shore Blvd	Euclid
Ohio CVS Stores, L.L.C.	3171 West Blvd.	Cleveland
Ohio CVS Stores, L.L.C.	23351 Lorain Road	North Olmstead
Walgreen Co.	6300 Pearl Rd.	Parma Heights
Ohio CVS Stores, L.L.C.	13777 Pearl Rd.	Strongsville
Discount Drug Mart	6476 York Road	Parma Heights
Ohio CVS Stores, L.L.C.	10022 Madison Avenue	Cleveland
Ohio CVS Stores, L.L.C.	8000 Euclid Ave.	Cleveland
Ohio CVS Stores, L.L.C.	22001 Lakeshore Blvd	Euclid

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<b>Pharmacy</b>	<b>Pharmacy Address</b>	<b>City</b>
Rite Aid Of Ohio, Inc.	5795 State Road	Parma
Walgreen Co.	6410 Broadway Avenue	Cleveland
Ohio CVS Stores, L.L.C.	11706 Clifton Boulevard	Lakewood
Walgreen Co.	12777 Rockside Road	Garfield Heights
Walgreen Co.	7260 Pearl Road	Middleburg Heights
Rite Aid Of Ohio, Inc.	7109 Harvard Avenue	Cleveland
Ohio CVS Stores, L.L.C.	6301 Harvard Avenue	Cleveland
Walgreen Co.	15609 Lake Shore Blv	Cleveland
Discount Drug Mart #31	Kevin M Ryan, Rph	Euclid
Ohio CVS Stores, L.L.C.	14372 Snow Rd	Brook Park
Walgreen Co.	20485 Euclid Ave	Euclid
Walgreen Co.	520 Broadway Ave	Bedford
Walgreen Co.	127 E Pleasant Valley Rd	Seven Hills
Ohio CVS Stores, L.L.C.	4240 Pearl Rd	Cleveland
Discount Drug Mart Inc. #5	15412 Detroit Ave	Lakewood
Rite Aid Of Ohio, Inc.	6512 Franklin Boulevard	Cleveland
Rite Aid Of Ohio, Inc.	15149 Snow Road	Brook Park
Walgreen Co.	14525 Euclid	East Cleveland
Discount Drug Mart #28	8191 Columbia Road	Parma Heights
Discount Drug Mart #41	13123 Detroit Avenue	Lakewood
Discount Drug Mart Inc. #15	17815 Puritas Avenue	Cleveland
Discount Drug Mart Inc. #17	4170 Fulton Road	Cleveland

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Pharmacy	Pharmacy Address	City
Discount Drug Mart Inc. #8	24485 Lorain Rd	North Olmsted
Discount Drug Mart Inc. #10	27300 Detroit Rd	Westlake
Discount Drug Mart #18	6160 Brecksville Road	Independence
Discount Drug Mart	6148 Dunham Road	Maple Heights
Discount Drug Mart	5500 Wallings Road	North Royalton
Discount Drug Mart Inc. #21	Store #21	3889 East 71st Street
Discount Drug Mart, Inc.	13919 Prospect Rd	Strongsville
Discount Drug Mart #82	765 Alpha Dr	Highland Heights

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 3:**

Identify each pharmacy within Your geographical boundaries that diverted or wrongfully dispensed Prescription Opioids for each year of the Timeframe.

**Response to Interrogatory No. 3:**

Subject to and without waiving all objections, Plaintiff further responds: *See* Response to Interrogatory No. 2.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 4:**

Identify Your past or present employees or representatives, for each year of the Timeframe, with knowledge regarding the wrongful abuse, use, misuse, prescribing, dispensing, sale, distribution, addiction to, and/or diversion of (a) Prescription Opioids or (b) other opioids.

**Response to Interrogatory No. 4:**

Plaintiff objects that this Interrogatory is vague, overly broad and unduly burdensome to the extent it requests Plaintiff to identify each past or present employees or representatives. Further

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objecting, the Interrogatory contains a reference to several ambiguous phrases, namely, “wrongful abuse,” “misuse,” “diversion,” and “other opioids.”

Subject to and without waiving all objections, Plaintiff responds as follows: Plaintiff identifies, the following individuals, which includes but is not limited to:

<b>Name</b>	<b>Department</b>
Thomas P. Gilson, M.D.	County Medical Examiner
Clifford Pinkey	County Sheriff
Ken Mills	County Sheriff's Department Director of Regional Corrections
James Gutierrez	County Prosecutor's Office
Hon. John J. Russo	County Administrative Judge; Common Pleas Court
Scott S. Osiecki	ADAMHS Board Executive Director
Walter Parfejewiec	Director Health and Human Services
David Merriman	Assistant Director Health and Human Services
Hugh Shannon	Administrator of the Medical Examiner's Office
Terry Allan, MPH	County Board of Health Commissioner
Vince Caraffi	Chair of County Opiate Task Force

Further, Plaintiff has produced organizational charts and a custodian list that identifies such employees or representatives. In addition, the table provided below identifies document custodians, employees, or representatives who are likely to have the subject knowledge.

<b>Department</b>	<b>Custodian</b>	<b>Title</b>
Health and Human Services	Dave Merriman	Assistant Director
Health and Human Services	Walter Parfejewiec	Director
Economic Opportunity and Growth	Matt Carroll	Chief Economic Opportunity and Growth Officer
Office of Early Childhood	Rebekah Dorman	Director
Health and Human Services – Family Services	Cynthia Weiskittel	Director
Office of Homeless Services	Ruth Gillette	Director
Office of Child Support	Deborah Watkins	Director
Benefits and Compensation	Holly Woods	Director
Justice – Medical Examiner	Hugh Shannon	Administrator
Justice – Public Safety and Justice Services	Brandy Carney	Director

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<b>Department</b>	<b>Custodian</b>	<b>Title</b>
Justice – Public Safety and Justice Services	Melinda (Lindy) Burt	Deputy Director
Operations – Fiscal Office	Maggie Keenan	Director
Operations – Fiscal Office	Wendy Feinn	Budget Analyst
Operations – Treasurer	Patricia Cooney	Deputy Treasurer
Operations – OBM	Maggie Kennan	Director
Drug Court	Molly Lechler	Drug Court Coordinator
Corrections Planning Board	Martin Murphy	Assistant Director
Corrections	Brian Ely	Substance Abuse Case Manager
Drug Lab	Shannon Gray	Lab Manager
County Medical Examiner	Thomas Gilson, M.D.	Medical Examiner
County Opiate Task Force	Vince Caraffi	Supervisor
Corrections	Ken Mills	Director

Plaintiff reserves the right to supplement and amend this response upon further investigation. In addition, discovery is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**RFP No. 5:**

Identify all persons in Your government entity for each year of the Timeframe, who held the position of mayor, city councilmember, county commissioner, county supervisor, county executive, chief health officer, county auditor, county recorder, county sheriff, county coroner or medical examiner, county treasurer, chief accountant, chief financial officer, police chief, correctional facility supervisor, warden, deputy warden, fire chief, or the equivalent of such titles. Include as part of your response each person's name, position, and period of time during which he or she held the position.

**Response to Interrogatory No. 5:**

Plaintiff objects that this Interrogatory is vague, overly broad and unduly burdensome to the extent it requests Plaintiff to identify all persons who held the position of mayor, city council member, county commissioner, county supervisor, county executive, chief health officer, county auditor, county recorder, county sheriff, county coroner or medical examiner, county treasurer, chief accountant, chief financial officer, police chief, correctional facility supervisor, warden, deputy warden, fire chief, or the equivalent of such titles. Plaintiff further objects to this Interrogatory to

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the extent that the requested information is available to the public and to the Distributors through internet sources, and thus responding to the Interrogatory imposes an undue burden on Plaintiff.

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff has produced organizational charts for each Plaintiff jurisdiction that respond to this Interrogatory and refer Distributors to publicly available information on each plaintiff's website as referenced in response to Interrogatory No. 9.

Further, Plaintiff identifies the following:

<b>Name</b>	<b>Position</b>	<b>Period of Time Position Held</b>
Armond D. Budish	County Executive	2015 - Present
Ed FitzGerald	County Executive	2011 - 2015
Laura Roche	Executive Assistant to County Exec.	1998 - Present
Earl Leiken	Chief of Staff to County Exec.	2018 - Present
Sharon Sobol Jordan	Chief of Staff to County Exec.	2014 - 2018
Sharon Cole	Deputy Chief of Staff to County Exec.	2010 - 2014
Nailah Byrd	Clerk of Courts	2015 – Present
Nailah Byrd	Inspector General	2011 - 2014
Andrea Rocco	Clerk of Courts	2013 - 2015
Gerald Fuerst	Clerk of Courts	1976 - 2012
Nora Hurley	Deputy Chief Director of Law	2011 - Present
Robert Triozzi	Law Director	2015 - Present
Majeed Makhouf	Law Director	2011 - 2015
Ben Chojnacki	Assistant Law Director	2016 - Present
Michael O'Malley	County Prosecutor	2017 - Present
Timothy McGinty	County Prosecutor	2012 - 2016
Bill Mason	County Prosecutor	1999 - 2012
Nan Baker	City Council Member; District 1	2017 - Present
David Greenspan	City Council Member; District 1	2011 - 2017
Dale Miller	City Council Member; District 2	2011 - Present
Dan Brady	President; City Council Member; District 3	2011 - Present
Scott Tuma	City Council Member; District 4	2017 - Present
Chuck Germana	City Council Member; District 4	2011 - 2017
Michael J. Gallagher	City Council Member; District 5	2011 - Present
Jack Schron	City Council Member; District 6	2011 - Present
Yvonne M. Conwell	City Council Member; District 7	2011 - Present
Pernel Jones Jr	VP; City Council Member; District 8	2011 - Present
Shontel Brown	City Council Member; District 9	2015 - Present

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<b>Name</b>	<b>Position</b>	<b>Period of Time Position Held</b>
Ellen Connolly	City Council Member; District 9	2011 - 2014
Michael J. Houser	City Council Member; District 10	2018 – Present
Michael J. Houser	Special Assistant to the Chief of Staff	2015 - 2017
Anthony Hairston	City Council Member; District 10	2014 - 2017
Julian Rogers	City Council Member; District 10	2011 - 2013
Sunny M. Simon	City Council Member; District 11	2011 - Present
Matt Carroll	Interim Director of Health and Human Services	2018 - Present
Matt Carroll	Chief Economic Growth and Opportunity Officer	2016 – Present
Matt Carroll	Chief of Staff to County Executive	2011 - 2014
Thomas Pristow	Director of Health and Human Services	2016 - 2017
Rick Werner	Interim Director of Health and Human Services	2015 - 2016
Pat Rideout	Director of Health and Human Services	2011 - 2015
Cory A. Swaisgood	Director of Internal Auditing	2016 – Present
Cory A. Swaisgood	Internal Audit Manager	2014-2016
Cory A. Swaisgood	Staff Auditor	2013- 2014
Valerie J. Harry	Director of Internal Auditing	2012 - 2015
Rose Karam	Internal Audit Manager	2017 - Present
Brian O'Malley	County Recorder	Present
Clifford Pinkney	County Sheriff	2015 – Present
Clifford Pinkney	Chief Deputy Cuyahoga County Sheriff's Office	2013 – 2015
Clifford Pinkney	Lieutenant Cuyahoga County Sheriff's Office	1991 - 2013
Frank Bova	Interim County Sheriff	2013 – 2015
Bob Reid	County Sheriff	2009 - 2013
Gerald McFaul	County Sheriff	1977 - 2009
Dr. Thomas Gilson	Medical Examiner	2011 - Present
Mark Griffin	Inspector General	2015 - Present
Chris Murray	County Treasurer	2015 – Present
Chris Murray	Director of Budget and Management of Cuyahoga County	2014 - 2015
William Sheehan	Interim County Treasurer	2014-2015
William Sheehan	Senior Financial Reporting Administrator of Cuyahoga county Office of Budget and Management	2008 - 2014
Richard Sensenbrenner	County Treasurer	2011 - 2012
Eliza Wing	Chief Communications Officer	2015 - Present
Mary Louise Madigan	Interim Communications Director	2015
Mary Louise Madigan	Director of Communications	2015 - Present

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<b>Name</b>	<b>Position</b>	<b>Period of Time Position Held</b>
Dennis G. Kennedy	County Fiscal Officer	2015 - Present
Mark Perks	County Fiscal Officer	2013 – 2015
Mark Perks	County Treasurer	2012 – 2013
Mark Perks	Chief Fiscal Officer, Director of Special Projects	2011 - 2012
Wade Steen	County Fiscal Officer	2011- 2013
Michael Dever	Director of Public Works	2015 – Present
Michael Dever	Maintenance Administrator	2011 - 2015
Bonnie Teeuwen	Director of Public Works	2011 - 2015
Kenneth V. Mills	Director of Regional Corrections and Justice Services	2014 - Present
Eric J. Ivey	Associate Warden	2017 - Present
Bob Perko	Fire Chief of Cuyahoga County Fire Chief's Association	2018 - Present
Doug Zook	Interim Fire Chief of Cuyahoga County Fire Chief's Association	2014 - 2017

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 6:**

Identify all Your residents, for each year of the Timeframe, who experienced drug overdose(s), separately identifying those drug overdoses caused by (a) Prescription Opioids (b) other opioids, or (c) other drugs. Include as part of your response whether each drug overdose was fatal.

**Response to Interrogatory No. 6:**

Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged and Confidential Information. Also, the Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control.

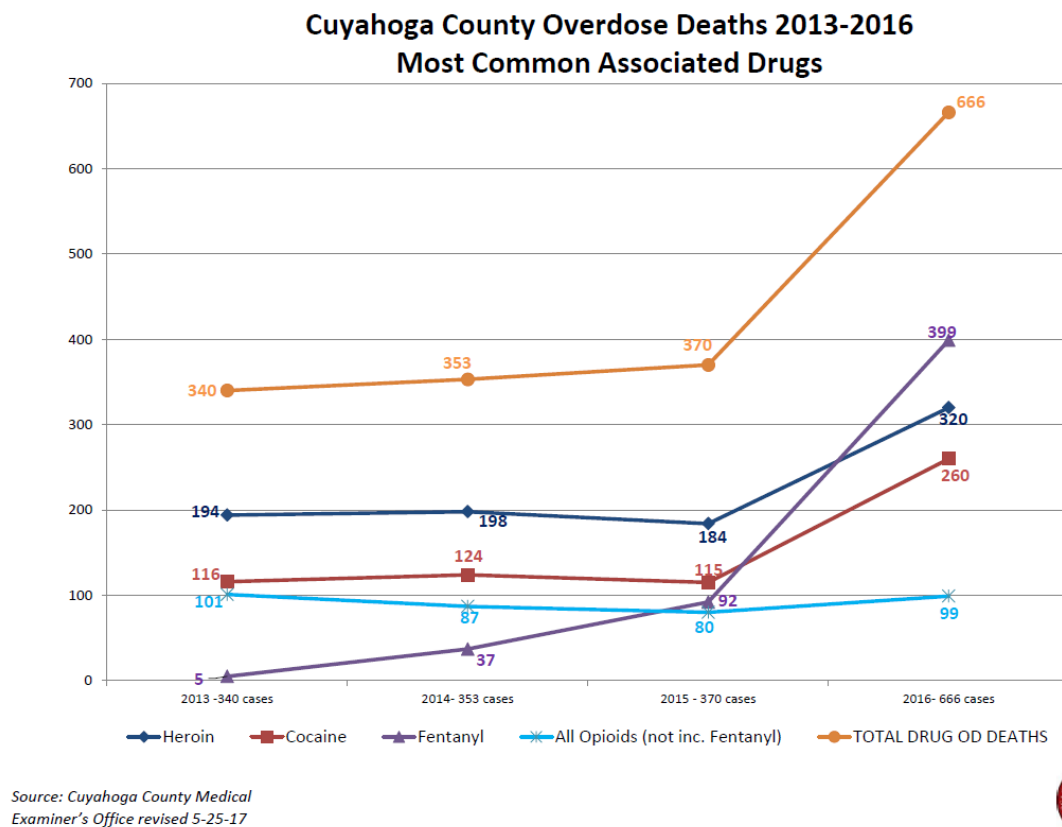
Plaintiff objects to the extent this Interrogatory calls for Confidential Information not in the Plaintiff's possession and/or protected by privacy laws, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA"). These objections were set forth in the June 11, 2018 letter from David Ackerman and this topic was addressed in Special Master Cohen's June 11, 2018 Discovery Ruling No. 1. Therefore, Plaintiff declines to produce this information pursuant to this Interrogatory. Plaintiff will supplement this response once the issue of



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confidentiality is resolved and will produce documents related to non-confidential public health statistics as set forth in Plaintiff's written responses to document requests in this litigation.

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff directs Distributors to the Cuyahoga County Medical Examiner's Office 2016 Final Drug Deaths Report which was previously produced in this litigation and identifies data related to drug overdoses which is responsive to this Interrogatory. For example, the Cuyahoga County Medical Examiner's Office 2016 Final Drug Deaths Report includes the following:



Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 7:**

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Identify all Your residents who became addicted to a Prescription Opioid during the Timeframe.

**Response to Interrogatory No. 7:**

Subject to and without waiving all objections, Plaintiff further responds: *See* Response to Interrogatory No. 6.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 8:**

Identify all persons who wrongfully manufactured, sold, possessed, used, distributed, prescribed, or dispensed Prescription Opioids within Your geographical boundaries during the Timeframe.

**Response to Interrogatory No. 8:**

Plaintiff objects to this Interrogatory because some information responsive to this request is publicly available to Distributors, and thus it would impose an undue burden on Plaintiff to gather and disclose it to Distributors.

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff incorporates its responses to Interrogatory Nos. 2 and 3. Further, Plaintiff incorporates the allegations in its Second Amended Complaint. To the extent this Interrogatory requests identification of potential tortfeasors, Plaintiff refers to the Defendants to the Second Amended Complaint.

Also, Plaintiff refers Defendants to the indictments produced in this litigation:

CUYAH\_000020854 - CUYAH\_000088895 and CUYAH\_000097414, which identifies charges brought by the Cuyahoga County Prosecutor's Office.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 9:**

Identify Your efforts during each year of the Timeframe to address public health and safety hazards that You attribute to the wrongful conduct of Distributor Defendants. Include as part of your response information concerning Your expenditure of taxpayer dollars to fund these efforts.

**Response to Interrogatory No. 9:**

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Plaintiff objects that this Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control. Further objecting, the Interrogatory contains a reference to several undefined terms and phrases, namely, "safety hazards" and "wrongful conduct."

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff's investigation of this matter is ongoing, but at this time identifies the following departments and programs, which include but are not limited to:

- Cuyahoga County Opiate Task Force;
- ADAMHS Board of Cuyahoga County;
- Cuyahoga County Opiate Collaborative/Project DAWN
- Cuyahoga County Heroin Initiative;
- Cuyahoga County Drug Court;
- Cuyahoga County Prosecutor's Office;
- Cuyahoga County Homeless Services;
- Cuyahoga County Foster Care Services;
- Cuyahoga County Emergency Medical Services;
- Cuyahoga County Sherriff's Offices;
- Cuyahoga County Health Department;
- Cuyahoga County Medical Examiner's Office;
- Cuyahoga County Health and Human Services/Children and Family Services; and
- Cuyahoga County Jail/Regional Corrections.

Also, Plaintiff has already produced budget information identifying such expenditure, such as:

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CUYAH\_000000001- CUYAH\_000000064  
CUYAH\_000000065 - CUYAH\_000000132  
CUYAH\_000000133 - CUYAH\_000000199  
CUYAH\_000000200 - CUYAH\_000000718  
CUYAH\_000000719 - CUYAH\_000000747  
CUYAH\_000000748 - CUYAH\_000000819  
CUYAH\_000000820 - CUYAH\_000001135  
CUYAH\_000001136 - CUYAH\_000001646  
CUYAH\_000001647 - CUYAH\_000001730  
CUYAH\_000001731 - CUYAH\_000001811  
CUYAH\_000001812 - CUYAH\_000001874  
CUYAH\_000001875 - CUYAH\_000001931  
CUYAH\_000001932 - CUYAH\_000002439  
CUYAH\_000002440 - CUYAH\_000002502  
CUYAH\_000002503 - CUYAH\_000002563  
CUYAH\_000002564 - CUYAH\_000003072  
CUYAH\_000003073 - CUYAH\_000003099  
CUYAH\_000003100 - CUYAH\_000003172  
CUYAH\_000003173 - CUYAH\_000003436  
CUYAH\_000003437 - CUYAH\_000003508  
CUYAH\_000003509 - CUYAH\_000004006  
CUYAH\_000004007 - CUYAH\_000004036  
CUYAH\_000004037 - CUYAH\_000004294  
CUYAH\_000004295 - CUYAH\_000004374

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CUYAH\_000004375 - CUYAH\_000004523

CUYAH\_000004524 - CUYAH\_000004552

CUYAH\_000004553 - CUYAH\_000004798

CUYAH\_000004799 - CUYAH\_000004968

CUYAH\_000004969 - CUYAH\_000005145

CUYAH\_000005146 - CUYAH\_000005327

CUYAH\_000005328 - CUYAH\_000005496

CUYAH\_000005497 - CUYAH\_000005739

CUYAH\_000005740 - CUYAH\_000006329

CUYAH\_000006330 - CUYAH\_000006573

CUYAH\_000006574 - CUYAH\_000006844

CUYAH\_000006845 - CUYAH\_000006986

CUYAH\_000006987 - CUYAH\_000007216

CUYAH\_000007217 - CUYAH\_000007427

CUYAH\_000007428 - CUYAH\_000007466

CUYAH\_000007467 - CUYAH\_000007687

CUYAH\_000007688 - CUYAH\_000007711

CUYAH\_000007712 - CUYAH\_000007929

CUYAH\_000007930 - CUYAH\_000008002

CUYAH\_000008003 - CUYAH\_000008640

CUYAH\_000008641 - CUYAH\_000008680

CUYAH\_000008681 - CUYAH\_000008907

CUYAH\_000008908 - CUYAH\_000009206

CUYAH\_000009207 - CUYAH\_000009269

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CUYAH\_000009270 - CUYAH\_000009290

CUYAH\_000009291 - CUYAH\_000009316

CUYAH\_000009317 - CUYAH\_000009326

CUYAH\_000009327 - CUYAH\_000009345

CUYAH\_000009346 - CUYAH\_000009367

CUYAH\_000009368 - CUYAH\_000009613

CUYAH\_000009614 - CUYAH\_000009831

CUYAH\_000010261 - CUYAH\_000010288

CUYAH\_000012351 - CUYAH\_000014730

CUYAH\_000010320 - CUYAH\_000010329

CUYAH\_000010330 - CUYAH\_000010367

CUYAH\_000010368 - CUYAH\_000010423

CUYAH\_000010424 - CUYAH\_000010826

CUYAH\_000010827 - CUYAH\_000010845

CUYAH\_000010846 - CUYAH\_000010896

CUYAH\_000010897 - CUYAH\_000010909

CUYAH\_000010910 - CUYAH\_000011080

CUYAH\_000011081 - CUYAH\_000011251

CUYAH\_000011252 - CUYAH\_000011262

CUYAH\_000011263 - CUYAH\_000011318

CUYAH\_000011319 - CUYAH\_000011347

CUYAH\_000017939 - CUYAH\_000018600

CUYAH\_000011403 - CUYAH\_000011443

CUYAH\_000011444 - CUYAH\_000011492

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

CUYAH\_000011493 - CUYAH\_000011525

CUYAH\_000011526 - CUYAH\_000011570

CUYAH\_000011596 - CUYAH\_000011615

CUYAH\_000011616 - CUYAH\_000011623

CUYAH\_000011642 - CUYAH\_000011797

CUYAH\_000011799 - CUYAH\_000011884

CUYAH\_000011885 - CUYAH\_000011982

CUYAH\_000011997 - CUYAH\_000012044

CUYAH\_000012351 - CUYAH\_000012362

CUYAH\_000012363 - CUYAH\_000012370

CUYAH\_000012371 - CUYAH\_000012382

CUYAH\_000012383 - CUYAH\_000012396

CUYAH\_000012397 - CUYAH\_000012408

CUYAH\_000012409 - CUYAH\_000012420

CUYAH\_000012421 - CUYAH\_000012432

CUYAH\_000012433 - CUYAH\_000012444

CUYAH\_000012445 - CUYAH\_000012456

CUYAH\_000012457 - CUYAH\_000012480

CUYAH\_000012481 - CUYAH\_000012496

CUYAH\_000012497 - CUYAH\_000012512

CUYAH\_000012513 - CUYAH\_000012528

CUYAH\_000012529 - CUYAH\_000012544

CUYAH\_000012545 - CUYAH\_000012560

CUYAH\_000012561 - CUYAH\_000012576

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CUYAH\_000012577 - CUYAH\_000012592

CUYAH\_000012593 - CUYAH\_000012594

CUYAH\_000012595 - CUYAH\_000012943

CUYAH\_000013464 - CUYAH\_000013479

CUYAH\_000013806 - CUYAH\_000013812

CUYAH\_000013813 - CUYAH\_000013817

CUYAH\_000013818 - CUYAH\_000013820

CUYAH\_000018030 - CUYAH\_000018037

CUYAH\_000018038 - CUYAH\_000018066

CUYAH\_000018067 - CUYAH\_000018072

CUYAH\_000018073 - CUYAH\_000018075

CUYAH\_000018076 - CUYAH\_000018078

CUYAH\_000018079 - CUYAH\_000018115

CUYAH\_000018116 - CUYAH\_000018118

CUYAH\_000018119 - CUYAH\_000018141

CUYAH\_000018142 - CUYAH\_000018154

CUYAH\_000018155 - CUYAH\_000018161

CUYAH\_000018162 - CUYAH\_000018174

CUYAH\_000018175 - CUYAH\_000018177

CUYAH\_000018178 - CUYAH\_000018178

CUYAH\_000018179 - CUYAH\_000018179

CUYAH\_000018180 - CUYAH\_000018199

CUYAH\_000018200 - CUYAH\_000018219

CUYAH\_000018220 - CUYAH\_000018232



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CUYAH\_000018233 - CUYAH\_000018248

CUYAH\_000018249 - CUYAH\_000018264

CUYAH\_000018265 - CUYAH\_000018277

CUYAH\_000018278 - CUYAH\_000018281

CUYAH\_000018282 - CUYAH\_000018294

CUYAH\_000018295 - CUYAH\_000018322

CUYAH\_000018323 - CUYAH\_000018327

CUYAH\_000018328 - CUYAH\_000018355

CUYAH\_000018356 - CUYAH\_000018360

CUYAH\_000018361 - CUYAH\_000018488

CUYAH\_000018489 - CUYAH\_000018509

CUYAH\_000018510 - CUYAH\_000018533

CUYAH\_000018534 - CUYAH\_000018549

CUYAH\_000018550 - CUYAH\_000018577

CUYAH\_000018578 - CUYAH\_000018582

CUYAH\_000018613 - CUYAH\_000018627

CUYAH\_000018676 - CUYAH\_000018726

CUYAH\_000020380 - CUYAH\_000020439

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 10:**

Identify each instance for each year of the Timeframe in which You notified a state or federal official or agency (including but not limited to the United States Drug Enforcement Agency, a United States Attorney or representative thereof, Ohio Department of Medicaid and its constituent providers, Ohio Department of Public Safety, Ohio Automated Rx Reporting System, State of Ohio Board of Pharmacy, and State Medical Board of Ohio), insurer, third party payer, or pharmacy benefit manager of suspected diversion, improper or excessive dispensing, improper prescribing, unlawful sale, or other suspected wrongdoing related to Prescription Opioids.

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

**Response to Interrogatory No. 10:**

Plaintiff objects that this Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control. Further objecting, the Interrogatory contains a reference to several undefined terms and phrases, namely, "excessive dispensing" and "improper prescribing."

Subject to and without waiving all objections, Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will produce documents that identify such instances.

**RFP No. 11:**

Identify each investigation, arrest, or prosecution within Your geographical boundaries for each year of the Timeframe that involved (a) a Prescription Opioid or (b) other opioids. Include as part of your response any information or evidence that connects each investigation, arrest, or prosecution to a Prescription Opioid distributed by Distributor Defendants.

**Response to RFP No. 11:**

Plaintiff objects that this Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control. Subject to and without waiving all objections, Subject to and without waiving all objections, Plaintiff further responds: *See* Response to Interrogatory No. 8

Dated: June 20, 2018

Respectfully submitted,

Plevin & Gallucci

/s Frank Gallucci

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Cleveland, Ohio 44113  
fgallucci@pglawyer.com  
Phone: (216) 861-0804

Napoli Shkolnik PLLC

/s Hunter J. Shkolnik

Hunter J. Shkolnik (admitted *pro hac vice*)  
Salvatore C. Badala (admitted *pro hac vice*)  
Joseph L. Ciaccio (admitted *pro hac vice*)  
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Scott Elliot Smith L.P.A.

/s Scott Elliot Smith

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ses@sestrialaw.com

Thrasher Dinsmore & Dolan L.P.A.

/s Leo M. Spellacy, Jr.

Leo M. Spellacy, Jr. (0067304)  
1111 Superior Avenue  
Suite 412  
Cleveland, Ohio 44114  
Phone: (216) 255-5450

**CERTIFICATE OF SERVICE**

I, Salvatore C. Badala, certify that on this 20th day of June 2018, I caused the foregoing to be served via electronic mail on Defendant's Liaison Counsel pursuant to the Case Management Order. *See* Dkt. No. 232.

*s/Salvatore C. Badala*